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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

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11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 v.

14 TOTAL WEALTH
MANAGEMENT, INC., et al.,

15 Defendants.
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Case No. 15-cv-226-BAS-DHB

**ORDER GRANTING JOINT
MOTION TO RELEASE FUNDS
HELD IN TRUST**

19 Presently before the Court is a joint motion to release funds held in trust
20 submitted by Kristen A. Janulewicz (the “Receiver”) and non-party Strategic
21 Funding, Inc. (“Strategic”), with the concurrence of Plaintiff Securities and Exchange
22 Commission (the “Commission”) and Defendant Jacob Cooper. (ECF No. 61.) The
23 funds at issue are \$260,000 in surplus proceeds realized from the sale of Metropolitan
24 Coffee and Concession Company, LLC (“Metro Coffee”) assets, a sale negotiated by
25 the Receiver and Metro Coffee’s bankruptcy court-designated responsible person.
26 (*Id.* ¶ F.) The Receiver claims an interest in the Metro Coffee funds for the benefit of
27 the receivership entities, while Strategic claims an interest in the Metro Coffee funds
28 by virtue of its status as a putative creditor of Metro Coffee and Metro Coffee’s

1 parent, Aegis Holding Company, Inc. Both the Receiver and Strategic recognize that
2 their respective, competing claims to the Metro Coffee funds have or may have merit,
3 and they submit this joint motion to resolve those claims. Specifically, the Receiver
4 and Strategic have determined to divide the \$260,000 in Metro Coffee funds, with
5 Strategic receiving \$180,000 and the Receiver retaining \$80,000. (*Id.* at ¶ K.) Upon
6 release and distribution of the funds, the Receiver and Strategic each agree to release
7 any and all claims relating to the portion of Metro Coffee funds released to the other.
8 (*Id.* at ¶ L.)


9 Having reviewed the motion, and under its discretionary power to supervise
10 the receivership, the Court **GRANTS** the joint motion. *See Sec. & Exch. Comm'n v.*
11 *Hardy*, 803 F.2d 1034, 1037 (9th Cir. 1986) (“[A] district court’s power to supervise
12 an equity receivership and to determine the appropriate action to be taken in the
13 administration of the receivership is extremely broad.”). Accordingly, the Court
14 **ORDERS** as follows:

- 15 1. The Receiver is **AUTHORIZED** to release from trust the \$260,000 in Metro
16 Coffee funds realized due to the sale of Metro Coffee assets and associated
17 permits held by Metro Coffee’s parent, Aegis Holding Company, Inc.;
- 18 2. The Receiver is **AUTHORIZED** to release \$180,000 of the Metro Coffee
19 funds to Strategic;
- 20 3. The Receiver is authorized to release \$80,000 of the Metro Coffee funds to
21 herself, as Receiver, for the benefit of the receivership entities, Total Wealth
22 Management, Inc., and its subsidiaries and affiliates, including but not
23 limited to Altus Capital Management, LLC (the “Receivership Entities”);
- 24 4. Any and all claims Strategic has or may have against the Metro Coffee
25 funds, save claims for the payment of the \$180,000 of the Metro Coffee
26 funds addressed by this order, are hereby fully **RELEASED**;
- 27 5. Any and all claims the Receiver, Receivership Entities or their estate have
28 or may have against Strategic relating to the \$180,000 portion of the Metro

1 Coffee funds are hereby fully RELEASED.

2 **IT IS SO ORDERED.**

3 **DATED: February 23, 2016**

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5 **Hon. Cynthia Bashant**
6 **United States District Judge**

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